

FORM EXEMPT UNDER 44 U.S.C.

INTERNET
FORM NLRB-502
(2-08)UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
PETITION

DO NOT WRITE IN THIS SPACE

Case No.
28-RC-098030Date Filed
02/11/2013

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- ☒ **RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ **RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ **RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE)** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ **UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES)** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ **UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No. _____
- ☐ **AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. _____. Attach statement describing the specific amendment sought.

2. Name of Employer Tenet Hospitals Limited d/b/a <u>St. Mary's Medical Center</u>		Employer Representative to contact Robert Hennessy	Tel. No. 310-866-0629
3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 1625 Medical Center St., El Paso, TX 79902		Fax No. 469-893-7984	
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Hospital	4b. Identify principal product or service Healthcare		Cell No. 310-866-0629
			e-Mail robert.hennessy@tenethealth.com
5. Unit involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.) Included Please see attachment A and B.			6a. Number of Employees in Unit: Present 134
Excluded Please see attachment A.			Proposed (By UC/AC)
			6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. <input type="checkbox"/> Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state).	
7b. <input type="checkbox"/> Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.	
8. Name of Recognized or Certified Bargaining Agent (If none, so state.)	
Affiliation	
Address	Tel. No.
	Date of Recognition or Certification
	Fax No.
	e-Mail
9. Expiration Date of Current Contract. If any (Month, Day, Year)	10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year)
11a. Is there now a strike or picketing at the Employer's establishment(s) involved? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	11b. If so, approximately how many employees are participating?
11c. The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of (Insert Address) _____ Since (Month, Day, Year) _____	

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state)

Name	Address	Tel. No.	Fax No.
		Cell No.	e-Mail

13. Full name of party filing petition (If labor organization, give full name, including local name and number)

SEIU Healthcare Texas

14a. Address (street and number, city, state, and ZIP code)

1004 West Ave., Austin, TX, 78701

14b. Tel. No.

EXT

888-499-1107

14c. Fax No.

14d. Cell No.

14e. e-Mail

15. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization)

Service Employees International Union, CTW, CLC

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Elliott Becker	Signature 	Title (if any) Law Fellow
Address (street and number, city, state, and ZIP code) 1800 Massachusetts Ave., NW, Washington, D.C. 20036		
Tel. No. 202-304-6872		Fax No. 202-429-5565
Cell No. 202-304-6872		e-Mail elliott.becker@seiu.org

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2008). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

SEIU Healthcare Texas ~ Tenet Hospitals Limited d/b/a/ Sierra Medical Center

RC petition, Question 5, Attachment A

Sierra Medical Center

Question 5: Unit Involved

Included: All full-time and regular part-time employees, including eligible per diem employees employed by Sierra Medical Center at its facilities located at 1625 Medical Center Street, El Paso, TX 79902 in the following unit: technical employees.

Excluded: All other employees, service and maintenance employees, skilled maintenance employees, registered nurses, confidential employees, physicians, residents, central business office employees (whether facility based or not) who are solely engaged in qualifying or collection activities or are employed by another Tenet entity, such as Syndicated Office Systems or Patient Financial Services, employees of outside registries, traveling nurses, permanent charge nurses, employees of other agencies supplying labor to the Employer, already represented employees, managerial employees, guards, managers, and supervisors as defined by the Act.

SEIU Healthcare Texas – Tenet Hospitals Limited d/b/a/ Sierra Medical Center

RC petition, Question 5, Attachment B

Sierra Medical Center Job Classes for Technical Unit:

ADVANCED RAD TECH	RCP II (CERTIFIED)
ANESTHESIA TECH	RCP III (REGISTERED)
ASST-HISTOLOGY GROSSING	SPEC PROC HISTO TECH
CERT RESP THERAPIST	SPECIAL PROCEDURE TECH
CV TECH III	TECH-CT
CV TECH IV	TECH-ER I
HISTOLOGY TECH	TECH-ER II
LEAD RADIOLOGY TECH	TECH-MRI
LEAD TECH - CT	TECH-NUCLEAR MEDICINE
LEAD TECH-ER	TECH-SURGICAL CERT
LEAD TECH-NUCLEAR MED	TECH-SURGICAL NON CERT
LVN	THERAPIST-RESP (RRT)
LVN -GF	ULTRASOUND COORDINATOR
LVN IHR	ULTRASOUND TECH
MAMMO TECH	
NUC MED TECH	
PARAMEDIC	
PT/OT REHAB TECH I	
PT/OT REHAB TECH II	
PT/OT REHAB TECH III	
RADIOLOGY TECH	
REG RESP THERAPIST	



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 N. CENTRAL AVE., STE. 1400
PHOENIX, AZ 85004-3019

Agency Website: www.nlrb.gov
Telephone: (602)640-2160
Fax: (602)640-2178

February 11, 2013

SEIU Healthcare Texas
1004 West Ave.
Austin, TX 78701-2019

Re: Tenet Hospitals Limited d/b/a
Sierra Medical Center
Case 28-RC-098030

Ladies and Gentlemen:

The petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter, explains your right to be represented, requests that you provide certain information, notifies you of a hearing, and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Compliance Officer Miguel Rodriguez whose telephone number is (602) 640-2146. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Deputy Regional Attorney Paul R. Irving whose telephone number is (602) 640-2088.

Immediately upon receipt of the petition, the NLRB conducts an impartial investigation to determine if the NLRB has jurisdiction, if the petition is timely and properly filed, if the showing of interest is adequate, and if there are any other interested parties to the proceeding or other circumstances bearing on the question concerning representation. If appropriate, the NLRB then attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship

with the NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Requested Information: To process the petition in this matter, we need certain information from you. Accordingly, please submit to this office, as soon as possible, the following information:

- (a) The correct name of the Union as stated in its constitution or bylaws.
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any addenda or extensions, or any recognition agreements covering any employees in the petitioned-for unit.
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) The name and address of the representative to whom we should send the election eligibility list. Absent notice to the contrary, we will send the list to the addressee of this letter at the above address.
- (e) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

Notice of Hearing: Enclosed is a Notice of Hearing to be conducted on **February 19, 2013** if the parties do not voluntarily agree to an election. If a hearing is necessary, it is expected to run on consecutive days until concluded. The enclosed Form NLRB-4339 provides information about rescheduling the hearing. Requests for postponement of the hearing to a date more than 14 days after the petition was filed will normally not be granted absent extraordinary circumstances.

Information for Employees: The NLRB believes that employees should have readily available information about their rights and the proper conduct of employee representation elections. Accordingly, we have asked the Employer to post a Notice to Employees, Form NLRB 5492, which explains employees' basic rights under the National Labor Relations Act. If you would like a copy of that Notice, please let the Board agent know. We have also prepared the pamphlet "Your Government Conducts an Election" which you or the Employer may distribute to employees. The pamphlet is available at www.nlr.gov/news-outreach/brochures or from our office. You may reproduce copies of the Notice and the pamphlet for distribution to employees, provided they are not modified in any way.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the NLRB will continue to accept timely filed

February 11, 2013

paper documents. On all your correspondence regarding the petition, please include the case name and number indicated above.

Information about the NLRB, the procedures we follow in representation cases, and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cornele A. Overstreet", written in a cursive style.

Cornele A. Overstreet
Regional Director

Enclosures

1. Notice of Hearing
2. Form 4669
3. Form 4339

cc: Elliott Becker, Law Fellow
Service Employees International Union
1800 Massachusetts Ave NW 6th Floor
Washington, DC 20036-1806

CAO/MR/lg



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 N. CENTRAL AVE., STE. 1400
PHOENIX, AZ 85004-3019

Agency Website: www.nlrb.gov
Telephone: (602)640-2160
Fax: (602)640-2178

February 11, 2013

Tenet Hospitals Limited d/b/a Sierra Medical Center
1625 Medical Center Dr
El Paso, TX 79902-5005

Re: Tenet Hospitals Limited d/b/a
Sierra Medical Center
Case 28-RC-098030

Ladies and Gentlemen:

Enclosed is a copy of a petition that SEIU Healthcare Texas filed with the National Labor Relations Board (NLRB) seeking to represent certain of your employees. This letter tells you how to contact the Board agent who will be handling this matter, explains your right to be represented, requests that you provide certain information, notifies you of a hearing, requests that you post notices, and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Compliance Officer Miguel Rodriguez whose telephone number is (602) 640-2146. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Deputy Regional Attorney Paul R. Irving whose telephone number is (602) 640-2088.

Immediately upon receipt of the petition, the NLRB conducts an impartial investigation to determine if the NLRB has jurisdiction, if the petition is timely and properly filed, if the showing of interest is adequate, and if there are any other interested parties to the proceeding or other circumstances bearing on the question concerning representation. If appropriate, the NLRB then attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship

with the NLRB. Their knowledge regarding this matter was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Requested Information:

Information Needed Immediately: To process the petition in this matter, we need certain information from you. Accordingly, please submit to this office, as soon as possible, the following information:

- (a) The correct name of your organization;
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any addenda or extensions, or any recognition agreements covering any of your employees in the unit involved in the petition (the petitioned-for unit);
- (c) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit;
- (d) Your position as to the appropriateness of the petitioned-for unit;
- (e) A completed commerce questionnaire (form enclosed) to enable us to determine whether the NLRB has jurisdiction in this matter;
- (f) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any; and
- (g) An alphabetized list of employees in the petitioned-for unit, with their job classifications, for the payroll period immediately before the date of this petition. This list will be used to resolve possible eligibility and unit questions as well as to determine the adequacy of the Petitioner's showing of interest. If such a list is not submitted promptly, any later submission and request for an evaluation of the Petitioner's showing of interest will be considered untimely and no check of the showing of interest will be conducted absent unusual circumstances.

Information Needed Later: If an election is agreed to or directed in this matter, the Employer must file with this office an alphabetized list of the full names and addresses of all eligible voters. We will then make the list available to all parties to the election. The list must be furnished within 7 days of the direction of, or agreement to, an election. I am advising you of this requirement now, so that you will have ample time to prepare this list.

Notice of Hearing: Enclosed is a Notice of Hearing to be conducted on February 19, 2013 if the parties do not voluntarily agree to an election. If a hearing is necessary, it is expected to run on consecutive days until concluded. The enclosed Form NLRB-4339 provides information about rescheduling the hearing. Requests for postponement of the hearing to a date more than 14 days after the petition was filed will normally not be granted absent extraordinary circumstances.

February 11, 2013

Posting Notices: The NLRB believes that employees should have information about their rights while a representation petition is pending; and employers and labor organizations should be apprised of their responsibilities to refrain from conduct which could interfere with employees' freedom of choice in an election. Accordingly, please immediately post the enclosed Notice to Employees (Form 5492) in conspicuous places in areas where employees in the petitioned-for unit work. Additional copies of the Notice to Employees are available for posting if you need them.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the NLRB will continue to accept timely filed paper documents. On all your correspondence regarding the petition, please include the case name and number indicated above.

Information about the NLRB, the procedures we follow in representation cases, and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Cornele A. Overstreet
Regional Director

Enclosures

1. Notice of Hearing
2. Notice Regarding Representation Cases (Form 4339)
3. Statement of Standard Procedures in Formal Hearings (Form 4669)
4. Commerce Questionnaire
5. Notice to Employees (Form 5492)
6. Copy of Petition

Tenet Hospitals Limited d/b/a Sierra
Medical Center
Case 28-RC-098030

- 4 -

February 11, 2013

cc: Robert Hennessy, Senior Counsel
Tenet Healthcare Law Department
1445 Ross Avenue, Ste 1400
Dallas, TX 75202-2703

CAO/MR/lg

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Tenet Hospitals Limited d/b/a Sierra Medical Center

CASE NUMBER

28-RC-098030

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)**YES NO**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (*Check the largest amount*)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (*If yes, name and address of association or group.*)**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRENAME AND TITLE (*Type or Print*)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**



**TENET HOSPITALS LIMITED d/b/a
SIERRA MEDICAL CENTER
Employer**

and

**SEIU HEALTHCARE TEXAS
Petitioner**

Case 28-RC-098030

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:00 AM on **February 19, 2013** and on consecutive days thereafter until concluded, at the Hearing Room of the National Labor Relations Board offices located at 2600 North Central Ave., Suite 1400, Phoenix, AZ 85004, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony. Form NLRB-4669, *Statement of Standard Procedures in Formal Hearings Held Before The National Labor Relations Board Pursuant to Petitions Filed Under Section 9 of The National Labor Relations Act*, is attached.

Dated: February 11, 2013

Cornele A. Overstreet, Director
National Labor Relations Board
Region 28
2600 N. Central Ave., Ste. 1400
Phoenix, AZ 85004-3019

**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE
NATIONAL LABOR RELATIONS BOARD PURSUANT TO PETITIONS FILED
UNDER SECTION 9 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted before a Hearing Officer of the National Labor Relations Board. (R CASES)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance. An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. *(Copies of exhibits should be supplied to the Hearing Officer and other parties at the time the exhibit is offered in evidence.)* After the close of the hearing, one or more of the parties may wish to have corrections made in the record. All such proposed corrections, either by way of stipulation or motion, should be forwarded to the Regional Director or to the Board in Washington *(if the case is transferred to the Board)* instead of to the Hearing Officer, inasmuch as the Hearing Officer has no power to make any rulings in connection with the case after the hearing is closed. All matter that is spoken in the hearing room will be recorded by the official reporter while the hearing is in session. In the event that any party wishes to make off-the-record remarks, requests to make such remarks should be directed to the Hearing Officer and not to the official reporter.

Statements of reasons in support of motions or objections should be as concise as possible. Objections and exceptions may, on appropriate request, be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

All motions shall be in writing or, if made at the hearing, may be stated orally on the record and shall briefly state the order of relief sought and the grounds for such motion. An original and two copies of written motions shall be filed with the Hearing Officer and a copy thereof immediately shall be served on the other parties to the proceeding.

The sole objective of the Hearing Officer is to ascertain the respective positions of the parties and to obtain a full and complete factual record on which the duties under Section 9 of the National Labor Relations Act may be discharged by the Regional Director of the Board. It may become necessary for the Hearing Officer to ask questions, to call witnesses, and to explore avenues with respect to matters not raised by the parties. The services of the Hearing Officer are equally at the disposal of all parties to the proceedings in developing the material evidence.

At the close of hearing, any party who desires to file a brief may do so in the appropriate manner described below.

1. Briefs filed with the Regional Director

Unless transfer of the case to the Board is announced prior to close of hearing, the brief should be filed in duplicate with the Regional Director. A copy must also be served on each of the other parties and proof of such service must be filed with the Regional Director at the time the briefs are filed. Briefs submitted are to be double-spaced on 8 1/2 by 11 inch paper.

The briefs shall be filed within 7 days after the close of the hearing unless an extension of time, not to exceed an additional 14 days on request made for good cause, before the hearing closes, is granted by the Hearing Officer. Briefs must be filed in accordance with the provisions of Section 102.111 (b) of the Board's Rules. Facsimile transmission of briefs is not permitted.

A request for an extension of time made after the close of the hearing must be received by the Regional Director, in writing, as much in advance of the date the briefs are due as possible and copies thereof must be served on the other parties by the same or faster method as used to file with the Regional Director (see 102.114 of Board's Rules).

2. Briefs filed with the Board in Washington, DC

a. If transfer of case to the Board is announced at the hearing

Should any party desire to file a brief with the Board, eight copies thereof shall be filed with the Board in Washington, DC. Immediately on such filing, a copy shall be served on each of the other parties. Proof of such service must be filed with the Board simultaneously with the briefs. Such brief shall be printed on otherwise legibly duplicated: Provided, however, that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. No reply brief may be filed except on special leave of the Board. Any brief filed after transfer of the case to the Board shall be double-spaced on 8 1/2 by 11 inch paper.

The briefs shall be filed within 7 days after the close of hearing unless an extension of time, not to exceed an additional 14 days on request made for good cause, before the hearing closes, is granted by the Hearing Officer. Briefs must be filed in accordance with the provisions of Section 102.111(b) of the Board's Rules. Facsimile transmission of briefs is not permitted.

b. Transfer of cases to the Board effected after close of hearing

Pursuant to Section 102.67 of the Board's Rules, the Regional Director may, at any time after the close of hearing and before decision, transfer a case to the Board for decision. The order transferring the case will fix a date for filing briefs in Washington, DC.

If a brief has already been filed with the Regional Director, the parties may file eight copies of the same brief with the Board in the same manner as set forth in "a," above, except that service on other parties is not required. No further briefs shall be submitted except by special permission of the Board.

If the case is transferred to the Board before the time expires for filing of briefs with the Regional Director and before the parties have filed briefs, such briefs shall be filed as set forth in "a," above.

c. Request for extension of time to file briefs with the Board

A request for an extension of time to file briefs with the Board in Washington, D.C., made after the close of hearing must be received by the Executive Secretary's Office in Washington as much in advance of the date the briefs are due as possible but in any event no later than the close of business on the due date. Such request must be in writing and a copy shall be served immediately on each of the other parties and the Regional Director and shall contain a statement that such service has been made.

As provided in Section 102.114(a) and (e) of the Board's Rules and Regulations, service on all parties of a request for an extension of time shall be made in the same or faster manner as that utilized in filing the paper with the Board; however, when filing with the Board is accomplished by facsimile transmission or by personal service, the other parties shall be promptly notified of such action by facsimile transmission or by telephone, followed by service of a copy personally or by overnight delivery service.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE REGARDING REPRESENTATION CASE HEARINGS

Case 28-RC-098030

Hearing Cancellation Based on Agreement of Parties: The issuance of the Notice of Hearing in this case does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments. The Board agent assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by me, will cancel the hearing.

Postponement of the Hearing: Postponement of the hearing *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing and be filed with the Regional Director;
- (2) Copies of the request must be simultaneously served on all other parties, and that fact must be noted on the request;
- (3) Absent extraordinary circumstances, the request must be received no later than 24 hours before the hearing is scheduled to begin;
- (4) Requests for postponement of the hearing to a date more than 14 days after the petition was filed will normally not be granted absent extraordinary circumstances;
- (5) Grounds must be set forth in *detail*, e.g., the unavailability of counsel and all other counsel in the law firm due to previously scheduled federal court or other U.S. Agency hearings or trials;
- (6) Alternative dates for any rescheduled hearing must be given; and
- (7) The positions of all other parties regarding the postponement and alternative hearing dates must be ascertained in advance by the requesting party and set forth in the request.

Approval of a postponement request may be conditioned upon one or more of the following:

- (1) The agreement of all parties to participate at a conference to be held at the Regional Office at least one full day before the rescheduled hearing date;
- (2) Agreement by the requestor that extensions of time for filing of briefs will not be sought or granted; and/or
- (3) The requestor's execution of stipulations on matters not in dispute, e.g., jurisdiction, labor organization status, appropriate unit.

Consecutive Days of Hearing: Once opened, it is expected the hearing will continue on consecutive business days until concluded.

Robert Hennessy, Senior Counsel
Tenet Healthcare Law Department
1445 Ross Avenue, Ste 1400
Dallas, TX 75202-2703

Tenet Hospitals Limited d/b/a
Sierra Medical Center
1625 Medical Center Dr.
El Paso, TX 79902-5005

Elliott Becker, Law Fellow
Service Employees International Union
1800 Massachusetts Ave. NW, 6th Floor
Washington, DC 20036-1806

SEIU Healthcare Texas
1004 West Ave.
Austin, TX 78701-2019



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 28
2600 N. CENTRAL AVE., STE. 1400
PHOENIX, AZ 85004-3019

Agency Website: www.nlr.gov
Telephone: (602)640-2160
Fax: (602)640-2178

February 12, 2013

Tenet Hospitals Limited d/b/a Sierra Medical Center
1625 Medical Center Dr.
El Paso, TX 79902-5005

SEIU Healthcare Texas
1004 West Ave.
Austin, TX 78701-2019

Re: Tenet Hospitals Limited d/b/a
Sierra Medical Center
Case 28-RC-098030

Ladies and Gentlemen:

Enclosed is a copy of the election agreement that I have approved in this case. This letter will provide you with additional information about the election eligibility list, posting the election notices, and the agreed-upon election arrangements.

Election Eligibility List

It is longstanding Board policy that all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. In accordance with the terms of the election agreement, the Employer must file with me an election eligibility list, containing the **full** names and **complete** addresses (including postal zip codes) of all the eligible voters who were on the Employer's payroll for the period ending February 9, 2013

The list must be of sufficiently large type to be clearly legible, and the names should be alphabetized. I will make this list available to all parties to the election.

To be timely filed, the list must be received in this office on or before Tuesday, February 19, 2013. No extension of time to file this list may be granted except in extraordinary circumstances. Failure by the Employer to comply with this requirement is grounds for setting aside the election if proper objections are filed.

Electronic filing of the list through the Agency website is preferred but not required. To file electronically, go to www.nlr.gov, select **File Case Documents**, enter the **NLRB case number**, and follow the detailed instructions. The list also may be submitted to our office by fax

to (602)640-2178 or by regular mail to the address above. The burden of establishing the timely filing and receipt of the list is on the sending party.

Election Arrangements

The arrangements for the election in this matter are as follows:

Date of Election: Thursday, February 21, 2013

Time: 6:00 a.m. to 8:30 a.m.
11:00 a.m. to 2:00 p.m.
6:00 p.m. to 8:30 p.m.

Place: The Employer's Class Room A at
1625 Medical Center Dr.
El Paso, Texas

Election Observers: Each party may have one observer for each polling session. The observers may be present at the polling place during the balloting and to assist the Board agent in counting the ballots after the polls have been closed. **Please complete the enclosed Designation of Observer form and return it to this office as soon as possible.**

Pre-Election Conference: A pre-election conference for all parties will be held on Thursday, February 21, 2013 at 5:30 a.m. at The Employer's Class Room A at 1625 Medical Center Dr., El Paso, Texas. The parties are requested to have their election observers present at this conference so that the observers may receive instruction from the Board Agent about their duties.

Election Equipment: The Board agent conducting the election will furnish the ballot box, ballots, and voting booths. The Employer is requested to provide, at the polling place, a table and a sufficient number of chairs for use by the Board agent and observers during the election.

Posting of Election Notices

Election notices will soon be mailed to the parties. Section 103.20 of the Board's Rules and Regulations requires the Employer to timely post copies of the Board's official Notice of Election in conspicuous places. In this case, the notices must be posted **before 12:01 a.m. on Friday, February 15, 2013**. If the Employer does not receive copies of the notice by Thursday, February 14, 2013, it should notify the Regional Office immediately. Pursuant to Section 103.20(c), a failure to do so precludes an employer from filing objections based on nonposting of the election notice.

To make it administratively possible to have election notices and ballots in a language other than English and Spanish, please notify the Board agent immediately if that is necessary for this election. Also, as noted in paragraph 9 of the stipulated election agreement, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

If there are any questions, please feel free to contact Compliance Officer Miguel Rodriguez at telephone number (602)640-2146 or by email at miguel.rodriguez@nrlb.gov. The cooperation of all parties is sincerely appreciated.

Very truly yours,

Cornele A. Overstreet
Regional Director

Enclosures

1. Approved Election Agreement
2. Designation of Observer Form

cc: Robert Hennessy, Senior Counsel
Tenet Healthcare Law Department
1445 Ross Avenue, Ste. 1400
Dallas, TX 75202-2703

Elliott Becker, Law Fellow
Service Employees International Union
1800 Massachusetts Ave., NW, 6th Floor
Washington, DC 20036-1806

CAO/MR/lg

DESIGNATION OF OBSERVER(S)

Re: Tenet Hospitals Limited d/b/a
Sierra Medical Center
Case 28-RC-098030

TENET HOSPITALS LIMITED d/b/a SIERRA MEDICAL CENTER hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

TENET HOSPITALS LIMITED d/b/a SIERRA MEDICAL
CENTER

(Name of Party)

By:

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: The use of a supervisor as an observer may result in setting aside the election. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

DESIGNATION OF OBSERVER(S)

Re: Tenet Hospitals Limited d/b/a
Sierra Medical Center
Case 28-RC-098030

SEIU HEALTHCARE TEXAS hereby designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

SEIU HEALTHCARE TEXAS

(Name of Party)

By:

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: The use of a supervisor as an observer may result in setting aside the election. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

VOTING UNIT

Case 28-RC-098030

EMPLOYEES ELIGIBLE TO VOTE:

All full time and regular part-time technical employees, including eligible per diem employees employed by Sierra Medical Center at its facility located at 1625 Medical Center Street, El Paso, Texas. Those eligible to vote in the election are employees in the above unit who were employed during the Payroll Period ending SATURDAY, FEBRUARY 9, 2013, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In addition, the only per diem employees who are eligible to vote are those who have worked a minimum of 120 hours in either of the two 12-week periods preceding the eligibility date:

Sunday, November 18, 2012 – Saturday, February 9, 2013

Sunday, August 26, 2012 – Saturday, November 17, 2012

EMPLOYEES NOT ELIGIBLE TO VOTE:

All other employees, service and maintenance employees, skilled maintenance employees, registered nurses, confidential employees, physicians, residents central business office employees (whether facility based or not) who are solely engaged in qualifying or collection activities or are employed by another Tenet entity, such as Syndicated Office Systems or Patient Financial Services, employees of outside registries, and other agencies supplying supplying labor to the Employer, already represented employees, guards, managers, and supervisors as defined in the Act.



DATE, TIMES AND PLACE OF ELECTION

DATE: Thursday, February 21, 2013

TIMES: 6:00 a.m. to 8:30 a.m.
11:00 a.m. to 2:00 p.m.
6:00 p.m. to 8:30 p.m.

PLACE: The Employer's Class Room A at
1625 Medical Center Drive, El Paso, Texas

EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN. ALL BALLOTS WILL BE MINGLED AND COUNTED IMMEDIATELY AFTER THE CONCLUSION OF THE LAST VOTING SESSION.

	<p>UNITED STATES OF AMERICA ESTADOS UNIDOS DE AMERICA National Labor Relations Board Junta Nacional de Relaciones Del Trabajo Case 28-RC-098030 OFFICIAL SECRET BALLOT PAPELETA SECRETA OFICIAL For certain employees of Para ciertos empleados de TENET HOSPITALS LIMITED d/b/a SIERRA MEDICAL CENTER</p>	
<p>Do you wish to be represented for purposes of collective bargaining by ¿Desea usted estar representado para los fines de negociar colectivamente por SEIU HEALTHCARE TEXAS?</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE MARQUE CON UNA "X" DENTRO DEL CUADRO DE SU SELECCIÓN</p>		
<p>YES SI</p> <div data-bbox="454 2150 592 2257"><input type="checkbox"/></div>		<p>NO NO</p> <div data-bbox="1104 2150 1242 2257"><input type="checkbox"/></div>

DO NOT SIGN THIS BALLOT. Fold and drop in ballot box
NO FIRME ESTA PAPELETA. Dóblela y deposítela en la urna electoral

If you spoil this ballot return it to the Board Agent for a new one
Si usted daña esta papeleta devuélvala al Agente da la Junta y pídale una nueva

The National Labor Relations Board does not endorse any choice in this election Any markings that you may see on any sample ballot have not been put there by the
National Labor Relations Board

La Junta Nacional de Relaciones del Trabajo no respalda a ninguna de las opciones en esta elección Cualquier marca que se pueda ver en cualquier muestra del la papeleta no fue hecha por la Junta Nacional de Relaciones del Trabajo

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CONSENT ELECTION AGREEMENT

TENET HOSPITALS LIMITED d/b/a SIERRA MEDICAL CENTER

Case 28-RC-098030

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Tenet Hospitals Limited d/b/a Sierra Medical Center, a Texas corporation, operates a hospital that provides acute care and other related medical services in El Paso, Texas. During the past 12-month period, in the course and conduct of its business operation, the Employer generated gross revenues in excess of \$250,000, and, during that same period of time, purchased and received at its facility in El Paso, Texas, goods valued in excess of \$50,000 directly from suppliers located outside the State of Texas.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: Thursday, February 21, 2013

HOURS: 6:00 a.m. to 8:30 a.m. and 11:00 a.m. to 2:00 p.m. and 6:00 p.m. to 8:30 p.m.

PLACE: In the Employer's Classroom A at 1625 Medical Center Drive, El Paso, Texas

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part-time technical employees, including eligible per diem employees employed by Sierra Medical Center at its facility located at 1625 Medical Center Street, El Paso, Texas.

EXCLUDED: All other employees, service and maintenance employees, skilled maintenance employees, registered nurses, confidential employees, physicians, residents central business office employees (whether facility based or not) who are solely engaged in qualifying or collection services or are employed by another Tenet entity, such as Syndicated Office Systems or Patient Financial Services, employees of outside registries and other agencies supplying labor to the Employer, already represented employees, guards, managers and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **Payroll Period ending SATURDAY, FEBRUARY 9, 2013**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In addition, the only per diem employees who are eligible to vote are those who have worked a minimum of 120 hours in either of the two 12 –week periods preceding the eligibility date.

Sunday, November 18, 2012 – Saturday, February 9, 2013
Sunday, August 26, 2012 – Saturday, November 17, 2012

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. ELECTION ELIGIBILITY LIST. Within seven (7) days after the Regional Director has approved this Agreement, the Employer shall provide to the Regional Director an election eligibility list containing the full names and addresses of all eligible voters. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *North Macon Health Care Facility*, 315 NLRB 359 (1994).

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of any voters or potential voters who only read a language other than English.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by SEIU HEALTHCARE TEXAS? The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer will post copies of the Notice of Election in conspicuous places and usual posting places easily accessible to the voters at least three (3) full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

10. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

11. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

12. OBJECTIONS, CHALLENGES, AND REPORTS. Objections to the conduct of the election or conduct affecting the results of the election, or to a determination of representation based on the results of the election, may be filed with the Regional Director within 7 days after the tally of ballots has been prepared and made available to the parties. The Regional Director will serve a copy of the objections on each of the other parties. If objections are sustained, the Regional Director may include in the report an order voiding the results of the election and conduct a new election under the terms of this Agreement at a date, time, and place to be determined by the Regional Director. If the challenges are determinative of the results of the election, the Regional Director shall investigate the challenges and issue a report. The method of investigation of objections and challenges, including whether to hold a hearing, shall be determined by the Regional Director, whose decision shall be final.

13. RUNOFF PROCEDURES. If more than one labor organization signs this Agreement and no choice on the ballot receives a majority of the valid ballots, the Regional Director shall proceed under the Board's Rules and Regulations.

14. CERTIFICATION. The Regional Director will issue a certification of the results of the election, including a certification of representative where appropriate, with the same force and effect in this case as if issued by the Board.

15. FINALITY OF REGIONAL DIRECTOR'S DECISION. All rulings and determinations made by the Regional Director will be final, with the same force and effect in that case as if issued by the Board.

**TENET HOSPITALS LIMITED d/b/a
SIERRA MEDICAL CENTER**

(Employer)

By Robert Perry 2/12/2013
(Name) (Date)

SEIU HEALTHCARE TEXAS

(Petitioner)

By Elliott K 2/11/13
(Name) (Date)

Recommended: Miguel Rodriguez
(Date) 2/12/13

Date approved: 2/12/13
Conrad Chestnut
Regional Director, Region 28
National Labor Relations Board

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**TENET HOSPITALS LIMITED d/b/a
SIERRA MEDICAL CENTER**

Employer

and

Case 28-RC-098030

SEIU HEALTHCARE TEXAS

Petitioner

**ORDER VACATING APPROVAL OF CONSENT
ELECTION AGREEMENT, CANCELING ELECTION AND
APPROVING WITHDRAWAL REQUEST WITH PREJUDICE**

On February 12, 2013, a Consent Election Agreement in the above matter was approved, setting an election for February 21, 2013.¹ On February 15, the Petitioner requested permission to withdraw its petition. Upon consideration of the Petitioner's request and the entire record in this proceeding,

IT IS HEREBY ORDERED that the approval of the Consent Election Agreement on February 12, be, and the same hereby is, vacated.

IT IS HEREBY FURTHER ORDERED that the election set for February 21, be, and the same hereby is, canceled.

IT IS HEREBY FURTHER ORDERED that the Withdrawal Request filed by the Petitioner on February 15, be, and the same hereby is, approved with prejudice to the Petitioner's filing of a new petition within six months from the date of the order herein,

¹ All dates hereafter 2013 unless otherwise noted.

unless good cause is shown why a new petition filed prior to the expiration of such six-month period should be entertained.

Please place this Order next to all Notices of Election previously posted.

This case is hereby closed.

Dated at Phoenix, Arizona, this 15th day of February 2013.

Cornele A. Overstreet, Regional Director